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10 *Attorneys for Court-Appointed Monitor,*  
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12 UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA  
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14 THOMAS W. MCNAMARA, as the Court-  
Appointed Monitor for AMG Capital  
15 Management, LLC; BA Services LLC; Black  
Creek Capital Corporation; Broadmoor Capital  
16 Partners, LLC; Park 269, LLC; C5 Capital  
LLC; DF Services Corp.; DFTW Consolidated  
17 [UC] LLC; Impact BP LLC; Level 5 Apparel  
LLC; Level 5 Capital Partners LLC; Level 5  
18 Eyewear LLC; Level 5 Motorsports, LLC;  
Level 5 Scientific LLC; NM Service Corp.  
19 (f/k/a/ National Money Service); PSB Services  
LLC; Real Estate Capital LLC (f/k/a/ Rehab  
20 Capital I, LLC); Sentient Technologies; ST  
Capital LLC; Westfund LLC; Eclipse  
21 Renewables Holdings LLC; Scott Tucker  
Declaration of Trust, dated February 20, 2015;  
22 West Race Cars, LLC; and Level 5  
Management LLC; and their successors,  
23 assigns, affiliates, and subsidiaries,

24 Plaintiff,

25 v.

26 GARY PATTEN, an individual; PANO  
ADVISORS, INC., a Nevada corporation;  
DOES I-X; and ROE CORPORATIONS I-X,  
27

28 Defendants.

Case No. 2:17-cv-02968-JCM-NJK

**JOINT STATUS REPORT**

1 On April 3, 2018, the Court issued its Order requiring the parties “to file, no later than  
2 April 10, 2018 either (1) a joint discovery plan; or (2) a status report explaining why a proposed  
3 discovery plan should not be filed at this time.” (ECF No. 28.) Plaintiff Thomas W. McNamara  
4 in his capacity as court-appointed Monitor (the “Monitor”) and Defendants Gary Patten  
5 (“Patten”) and Pano Advisors, Inc. (“Pano”) (collectively, “Defendants” and together with  
6 Monitor, the “Parties”), by and through their counsel of record, respectfully submit this Joint  
7 Status Report and state as follows:

8 On February 9, 2018, Defendants filed their Motion to Dismiss. (ECF No. 22.) The  
9 Monitor filed his Opposition on March 16, 2018. (ECF No. 26.) Defendants’ Reply is due on  
10 April 6, 2018. The Parties have been focused on the Motion to Dismiss and apologize to the  
11 Court for their failure to submit a stipulated discovery plan in the interim.

12 The parties respectfully request an extension of time, until April 23, 2018, to comply with  
13 the Court’s April 3 Order. Defendants’ primary counsel, Christopher M. Ferguson, has a  
14 previously scheduled and prepaid family vacation to France from April 6, 2018 to April 13,  
15 2018. Additionally, the Monitor’s primary counsel, Logan D. Smith, is currently on a family  
16 vacation in Hawaii from March 31, 2018 to April 7, 2018.

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1 Defendants are also considering filing a motion to stay discovery while their Motion to  
2 Dismiss is pending. In light of the foregoing, the Parties respectfully request the Court extend  
3 the April 10, 2018 deadline to April 23, 2018 to allow the Parties to either file a stipulated  
4 discovery plan or for the Defendants to file their motion to stay discovery, which the Monitor  
5 will oppose.

6  
7 Dated: April 5, 2018

8 McNAMARA SMITH LLP

9 /s/ Edward Chang

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*Attorneys for Court-Appointed Monitor,  
Thomas W. McNamara*

Dated: April 5, 2018

KOSTELANETZ & FINK, LLP

10 /s/ Christopher M. Ferguson

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*Attorneys for Defendants Gary Patten and  
Pano Advisors, Inc.*

17 IT IS SO ORDERED:

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19 \_\_\_\_\_  
20 NANCY J. KOPPE  
21 UNITED STATES MAGISTRATE JUDGE

22 DATED: April 6, 2018  
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